

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

GABRIEL LEE MITCHELL,

Plaintiff,

v.

ACOUSTI ENGINEERING COMPANY, *et al.*,

Defendants.

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Case No. 3:13-cv-0523

Judge Trauger

ORDER

Presently pending is the plaintiff's Motion for Review (ECF No. 23), which the court construes as objections to the Report and Recommendation ("R&R") filed by Magistrate Judge Juliet Griffin (ECF No. 19), recommending that the motion to dismiss (ECF No. 14) filed by defendant Acousti Engineering Company be granted, and that the claims against the defendant Hall be dismissed without prejudice.

The plaintiff also objects to the magistrate judge's entry of a separate order denying his discovery-related motions that were pending at the time the R&R was entered. (ECF No. 18.) The magistrate judge denied these motions as moot upon issuing her recommendation that the complaint be dismissed without prejudice, but noted that the plaintiff had permission to refile the motions if the recommendation to dismiss this action was rejected.

Finally, the plaintiff also filed his own "motion for summary judgment" (ECF No. 24), shortly after he filed his Motion for Review. In this motion, he asserts (without introducing any admissible evidence) that Acousti has sent him a check for \$25, which the plaintiff construes as an admission that Acousti engaged in insurance fraud.

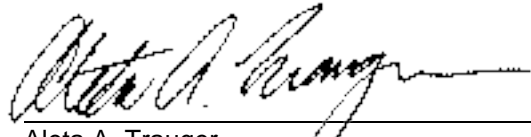
For the reasons set forth in the accompanying Memorandum Opinion, the plaintiff's objections to the R&R (ECF No. 19) are **OVERRULED**, and the magistrate judge's recommendation that the remaining claims in this action be dismissed without prejudice is **ACCEPTED**. Accordingly, the defendant's motion to dismiss (ECF No. 14) is **GRANTED**, and this action is **DISMISSED WITHOUT PREJUDICE**.

The plaintiff's objections to the magistrate judge's order (ECF No. 18) denying his discovery-related motions are **OVERRULED**, and the court therefore declines to set aside or modify that order.

Because the motion to dismiss this action in its entirety has been granted, the Clerk is **DIRECTED to TERMINATE AS MOOT** the plaintiff's motion for summary judgment (ECF No. 24).

It is so **ORDERED**.

This is a final order for purposes of Rule 58.



Aleta A. Trauger
United States District Judge